IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 28791 of 1995

Between:

1 P. Satyanarayana S/o Yellaiah, LDC.,
Sub Court, Mahaboobnagar
2 Smt. B. Ugendra W/o Ramulu, LDC.,
Spl. Judicial Magistrate of I Class Mobile Court, Mahaboobnagar
3 M.A.Gaffar S/o Mahaboob Ali, LDC.,
Sub Court, Gadwal, Mahaboobnagar Dist.
4 C. Venkata Subbaiah S/o Ramaiah, LDC.,
Munsif Magistrate Court, Alampur, Mahaboobnagar Dist.
5 G. Shankarappa S/o Mallappa, Telugu Typist,
Munsif Magistrate Court, Mahaboobnagar
6 Abdul Hussain S/o Saheb Ali, LDC.,
J.F.C.M. of 2nd Class Mahaboobnagar
7 Mohd. Jalaluddin S/o Md. Murtuza Ali, LDC.,
Munsif Magistrate Court, Mahaboobnagar
8 P. Umerdaraz Khan S/o P. Mehatab Khan, Typist,
Spl. Judges Court SC & ST, Mahaboobnagar
9 M.A. Aleem S/o M.A.Rasool Sab, Typist,
Munsif Magistrate Court, Nagarkurnool, Mahaboonnagar Dist.
10 Md. Iqbal S/o Gulam Mahmood, Typist,
Spl. Judges Court SC & ST, Mahaboobnagar
11 Ramachandraji S/o Balaramji, LDC.,
Spl. Judges Court SC & ST, Mahaboobnagar
12 Murtuza Khan S/o Noor Khan, Typist,
Dist. Sessions Court, Mahaboonnagar
13 Md. Ahmed S/o Md. Osman, LDC.,
Munsif Magistrate Court, Nagarkurnool, Mahaboonnagar Dist.

14 Md. Moosa S/o Md. Ghouse, LDC.,
Sub Court, Nagarkurnool, Mahaboonnagar Dist.
15 Mohd. Niranjan Pasha S/o Abdul Rahman, LDC.,
Munsif Magistrate Court, Wanaparthy, Mahaboobnagar Dist.

..... PETITIONERS

AND

1 The Secretary to Govt. Home (Courts) Dept.,
Secretariat Buildings, Hyderabad
2 The Registrar (Admn.)
High Court of A.P., Hyderabad
3 District & Sessions Judge,
Mahaboobnagar Dist., Mahaboobnagar
4 The District Treasury Officer
Mahaboobnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction, particularly one in the nature of writ of Mandamus directing the respondents to fix common seniority between Copyists/Readers, Examiners/L.D.C./Typists/Steno-typists with effect from 1-4-1978 in view of the G.O.Ms.No.97, dt: 27-3-1993, Finance & Planning (FW.P.C.II) Dept. to fix their pay in the Special Grade Posts and Special Promotion Posts with effect from 1-4-1978.

Counsel for the Petitioners : MR.P.SRI RAGHU RAM

Counsel for the respondent No.1: G.P. for Home.

Counsel for the Respondent Nos.2 & 3: SMT.M.BHASKARA LAKSHMI, SC for APHC.

Counsel for the respondent No.4: G.P. for Finance & Planning.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1. Learned counsel for the petitioners states that he has no instructions from the petitioners as to their present stage and moreover as per the counter-affidavit of 3rd respondent petitioners 1 to 4, 6, 7, 9, 10, 13 and 15 were already appointed to special grade posts after completion of 10 or 8 years of service in the present posts with effect from the respective dates mentioned in the counter-affidavit. As regards petitioners 5, 8, 11, 12 and 14, they have not completed requisite service in the present posts to be appointed to special grade posts. This court-affidavit was filed in July, 2001. As regards the application of F.R.22(b) on their promotion as Lower Division Clerks from the posts of either Copyists or Examiners, W.P.No.16101 of 1989 was already decided on 23.02.1992 holding that petitioners are not entitled to the benefit of F.R.22(b) as the promotion post is having same scale of pay.

2. In view of the above, there is no merit in the writ petition, which is accordingly dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 03.02.2005.

VRK.

To

1 The Secretary to Govt. Home (Courts) Dept.,
Secretariat Buildings, Hyderabad
2 The Registrar (Admn.,)
High Court of A.P., Hyderabad
3 District & Sessions Judge,
Mahaboobnagar Dist., Mahaboobnagar
4 The District Treasury Officer
Mahaboobnagar Dist.

5. Two CCs to G.P., for Home, High Court Buildings, Hyderabad (OUT).

6. Two CCs to G.P., for Finance & Planning, High Court Buildings, Hyderabad (OUT).

7. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.P.NO. 28791 OF 1995.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 03.02.2005.

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